

**REMARKS****Status**

Claims 1-10 are pending in this application. The specification has been amended to recite appropriate priority information, which was originally provided in the Application Data Sheet. No new matter has been added.

**Restriction Requirement**

Responsive to the Office Action dated June 6, 2002, Applicants provisionally elect, with traverse, Group I as defined in the restriction requirement solely for examination purposes. Applicants further request reconsideration of the restriction requirement.

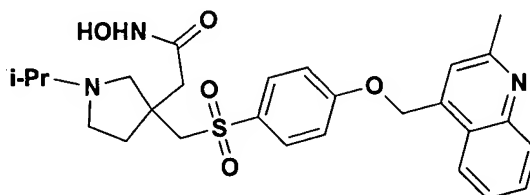
Restriction is only proper if the restricted inventions are independent and patentably distinct and the search and examination of the entire application cannot be made without serious burden (MPEP 803). Applicants respectfully traverse the restriction requirement and submit that the restriction is improper. The Office Action states no reason other than divergence is given to support distinctness between these groups. While divergence may result in separate classifications by the PTO, it does not necessarily mean the restricted inventions are patentably distinct. More importantly, this argument does not show that there is a serious burden placed on the Examiner. Accordingly, Applicants respectfully request that the restriction be reconsidered.

With regard to Groups I and III, Applicants respectfully traverse this specific restriction requirement. If the compounds of Group I are allowable, then a method of using the allowable compounds (Group V) is ALLOWABLE BY DEFINITION. After all, claims for the method of using the allowable compounds depend from the compound claims and must inherently contain all of the limitations of the compound claims.

Furthermore, in order for a restriction to be proper, there must be a serious burden placed on the Examiner if restriction was not required. Since the claims of Group III depend from Group I and would be allowable once the claims of Group I have been allowed, there is no serious burden placed on the Examiner. Therefore, withdrawal of this specific restriction requirement between Groups I and V is respectfully requested.

**Species Election**

Responsive to the Office Action, Applicants provisionally elect, with traverse, the species of Example 8 (page 68, *N*-hydroxy-2-{1-isopropyl-3-[(4-{(2-methyl-4-quinolinyl)methoxy}phenyl)sulfonyl)methyl]-3-pyrrolidinyl}acetamide). The elected species is shown below.



Claims 1-10 are readable thereon.

Applicants respectfully traverse the requirement for an Election of Species on the grounds that no reasons have been provided by the Examiner to show that there would be a serious burden placed on the Examiner if restriction were not required (MPEP 803). Applicants respectfully request that, should the Examiner find the elected species allowable, the search be extended, since Applicants are entitled to consideration of claims to a reasonable number of disclosed species in addition to the elected species as provided for under 37 CFR 1.146.

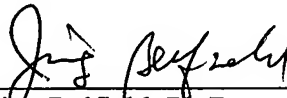
**DOCKET NO.: PH-7211**

**USSN: 10/043,627**

In view of the foregoing, Applicant submits that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

Respectfully submitted,

Date: June 19, 2003

  
\_\_\_\_\_  
Jing Belfield, Ph.D.

Agent for Applicants

Registration No. 45,914

**Bristol-Myers Squibb Company**

Patent Department

P.O. Box 4000

Princeton, NJ 08543-4000

(609) 252-3791 (phone)

(609) 252-4526 (fax)